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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,261	01/30/2001	Robert D. Kearney	Y0920000542US1	9982
7590	04/20/2005			EXAMINER
Wayne L. Ellenbogen RYAN, MASON & LEWIS, LLP 90 Forest Avenue Locust Valley, NY 11560				BASEHOAR, ADAM L
			ART UNIT	PAPER NUMBER
				2178
				DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/774,261	KEARNEY, ROBERT D.
	Examiner	Art Unit
	Adam L Basehoar	2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 06 January 2005.
- 2a) This action is **FINAL**.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

**DETAILED ACTION**

1. This action is responsive to communications: The Amendment filed 01/06/05 to the original Application filed on 01/30/01.
2. Claims 1-20 remain rejected under 35 U.S.C. 102(e) as being anticipated by Chen et al (US-6,507,856 01/14/03).

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen et al (US-6,507,856 01/14/03).

-In regard to independent claims 1, 8, and 15, Chen et al teach a method, apparatus, and article of manufacture for forming a document model for constructing a semantically and syntactically valid document, comprising the steps of:

Beginning with a root tag (Fig. 1: "<PurchaseOrder>" Tag), creating a tag element (Fig. 2: "<!Element 0 PurchaseOrder (PONumber Purpose Data Type LineItem\* Address\* TotalAmount)>") corresponding to a tag in the document to be constructed, the tag element

including information relating to the tag (Fig. 2: <!Element 0: includes tag name information as well as possible element content (PONumber, Date, Type, etc)) ;

Associating a model element (Fig. 2: (PONumber Purpose Data Type LineItem\* Address\* TotalAmount)>") with the tag element (Fig. 2: <!Element 0), the model element being the possible alternative child content of the tag element relating to the corresponding tag (i.e. semantically and syntactically only allowing specific different content types as children to the tag element); and

For the model element (Fig. 3: Fig. 1: 40), generating a valid sub-tree of elements as a child of the model element (Fig. 3: Item Numbers: 1-7) based upon the structure of the document to be constructed under predetermined conditions defining repeatable "\*" and optional "?" data elements (column 5, lines 6-9).

-In regard to dependent claims 2, 9, and 15, Chen et al teach wherein generating the valid sub-tree comprises the steps of:

Assigning a tag element (Fig. 2: <!Element> 5) corresponding to a tag in the document (Fig. 1: Line 4: <LineItem> Tag) when the tag associated therewith includes a single sub-tag (Fig. 1: Line 4: Single <ItemNO> or <Quantity>...), the tag element being a child of the model element (i.e. Tag Element for LineItem (Fig. 3: 5) is a child of model element of PurchaseOrder (Fig. 3: 0));

Associating a model element (Fig. 2: (ItemNO, Quantity, Unity, ProductService\*, etc)) with the tag element (Fig. 2: <!Element> 5), model element being the possible alternative child

content of the tag element relating to the corresponding tag (i.e. semantically and syntactically only allowing specific different content types as children to the tag element); and

Repeating the steps of assigning a tag element and associating a model element to the tag element until all sub-tags of the tag have been mapped to the document model (i.e. Chen et al teaches mapping all tags and sub-tags to the document model)(columns 3 & 6, lines 36-49 & 5-18)(Fig. 7).

-In regard to dependent claims 3, 10, and 17, Chen et al teach wherein generating the valid sub-tree comprises the steps of:

Associating a group element with a tag element (Fig. 2: <!Element> 5) corresponding to a tag in the document (Fig. 1: <LineItem> Tag) when the tag associated therewith includes a plurality of sub-tags (includes sub-tags for ItemNO, Quantity, Unit, ProductService\*, etc)(Fig. 1: lines 5-7), the group element (Fig. 2: <!Element> 5) being a child of a model element corresponding to the sub-tree (Fig. 2: (PONumber Purpose Data Type LineItem\* Address\* TotalAmount)>" );

Associating a plurality of tag elements (Fig. 2: <!Element> 8-13 & 6) with the group element (Fig. 2: <!Element> 5), each of the tag elements (Fig. 3: 8-13 & 6) being a child of the group element (Fig. 3: 5) and corresponding to a sub-tag in the plurality of sub-tags (Fig. 1: lines 5-25);

For each tag element in the plurality of tag elements, associating a model element (Fig. 2: Elements 8-13 & 6 (#PCDATA, Service ID, ServiceDescription, Format, Description, Address))

with the corresponding tag element (Fig. 1: <Address>, <ItemNO>, <Quantity>, <Unit>, <ProductService>, etc) as a child of the tag element (Fig. 3: 14-25); and

Repeating the steps of assigning a group element, associating a plurality of tag elements with the group element, and associating a model element with the corresponding tag element until all the sub-tags of the plurality of sub-tags have been mapped to the document model (i.e. Chen et al teaches mapping all tags and sub-tags to the document model)(columns 3 & 6, lines 36-49 & 5-18)(Fig. 7).

-In regard to dependent claims 4, 11, and 18, Chen et al further teach for a model elements (Fig. 2: <!Element> 13 & Fig. 3: Data Element 13), assigning a value element (Fig. 2: <!Element> 24) as a child of the model element (Fig. 3: Data Element 24) when the corresponding tag (Fig. 1: Line 15: <Format> Free </Format>) includes textual information (Fig. 1: Line 15: “Free”), the value element storing the textual information (Fig. 2: <!Element> 24: #PCDATA) .

-In regard to dependent claims 5 and 12, Chen et al teach wherein the textual information (e.g. “Free”) includes a type of textual information (parsed character data)(column 5, lines 10-14).

-In regard to dependent claims 6, 14, and 19, Chen et al teach wherein a model element (Fig. 2: <!Element> 6: Address) includes attribute information associated with a corresponding tag in the form of name of the corresponding tag (Fig. 1: Line 21: <Address> Tag).

-In regard to dependent claims 7, 13, and 20, Chen et al teach wherein the document to be constructed was an XML based document (columns 1 & 2, lines 66-67 & 1-15)(Fig. 7: 145).

***Response to Arguments***

5. Applicant's arguments filed 01/06/05 have been fully considered but they are not persuasive.

-In regard to independent claims 1, 8, and 15, Applicant argues that Chen et al fail to teach one or more model elements with a given tag element. Chen et al clearly teach model elements (Fig. 2: (“PONumber Purpose Data Type LineItem\* Address\* TotalAmount)>”) associated with a tag element (Fig. 2: <!Element 0>). As defined by the Applicant’s specification, model elements are “defined as a component of the document model that is associated with a tag element” and in addition preferably capture a portion of the semantics of the corresponding tag and may represent one possible alternative to the information included in the tag. Chen et al clearly teach that the “PONumber Purpose Data Type LineItem\* Address\* TotalAmount” elements of <!Element 0> are associated (i.e. included within) the tag element, capture part of the semantics of the tag element (i.e. detail the types of data elements utilized in the tag element), and represent possible alternatives to the information included in the tag (i.e. PONumber, Type, etc are all alternative data element types of the tag element wherein the term “alternative” could easily be interpreted as “other” or “different” instead of interpreted as choice based as implied by applicant).

The applicant also argues that Chen et al fails to teach a semantically and syntactically valid sub-tree of elements as a child of one or more model elements based at least in part upon a structure of the document to be constructed under one or more predetermined conditions. The Examiner respectfully disagrees with the applicant and believes Chen et al teaches semantically and syntactically valid sub-tree (i.e. as defined by the DTD (Fig. 2) which was a set of rules to follow and thus a document processed by said DTD would comply with the constraints expressed in it) wherein the sub-tree was constructed under predetermined conditions established by the DTD such as the repeatable data elements “\*” and optional data elements “?” (column 5, lines 1-14) which establish predetermined conditions that allow for both types of data elements. Chen et al also clearly teach the creation of a semantically and syntactically valid document (column 4, lines 40-45)(Fig. 1: 145).

-In regard to dependent claims 2, 9, 16, Applicant argues that Chen et al fails to disclose any model elements, and also fails to disclose associating one or more model elements with the tag element, each of the model elements being a child of the tag element. The Examiner respectfully disagrees with the Applicant, and believes Chen et al teach model elements (Fig. 2: (“PONumber Purpose Data Type LineItem\* Address\* TotalAmount)>”) associated with a tag element (Fig. 2: <!Element 0>). As defined by the Applicant’s specification, model elements are “defined as a component of the document model that is associated with a tag element” and in addition preferably capture a portion of the semantics of the corresponding tag and may represent one possible alternative to the information included in the tag. Chen et al clearly teach that the “PONumber Purpose Data Type LineItem\* Address\* TotalAmount” elements of <!Element 0> are associated (i.e. included within) the tag element, capture part of the semantics of the tag

element (i.e. detail the types of data elements utilized in the tag element), and represent possible alternatives to the information included in the tag (i.e. PONumber, Type, etc are all alternative data element types of the tag element wherein the term “alternative” could easily be interpreted as “other” or “different” instead of interpreted as choice based as implied by applicant). Chen also teach associating one or more model elements (Fig. 2: (“ItemNo, Quantity, Unit, UnitPrice, etc) with the tag element (Fig. 2: <!Element 5>), each of the model elements being a child of the tag element (Fig. 3). Note above as to the weight given to the claimed “alternative” content.

-In regard to dependent claims 3, 10, and 17, Applicant argues that Chen et al do not teach associating “a group element with a tag element corresponding to a tag in the document when the tag associated therewith includes a plurality of sub-tags, the group element being a child of the model element corresponding to the sub-tree.” The Examiner respectfully disagrees with the Applicant, and believes Chen et al teach associating a group element with a tag element (Fig. 2: <!Element> 5) corresponding to a tag in the document (Fig. 1: <LineItem>) Tag) when the tag associated therewith includes a plurality of sub-tags (includes sub-tags for ItemNO, Quantity, Unit, ProductService\*, etc)(Fig. 1: lines 5-7), the group element (Fig. 2: <!Element> 5) being a child of a model element corresponding to the sub-tree (Fig. 2: (PONumber Purpose Data Type LineItem\* Address\* TotalAmount)>”). Wherein the applicant argues that the Examiner uses the terms “tag element”, “model element” and/or “group element” interchangeably despite their distinctness as defined in the specification, the Examiner notes each of the described elements are broadly defined in the specification (Page 7, lines 6-25) and a tag element could indeed be combined with a group element (Page 7, lines 11-13) and wherein a model element was only associated with a tag element and could thus also be combined with a tag elements as

long as it provided the necessary functionality. The relationship of said elements are not defined such that a group element was a child of a model element, which was in turn a child of a tag element (Remarks: Page 5: Line 23).

***Conclusion***

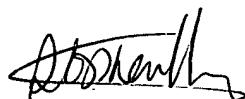
6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam L Basehoar whose telephone number is (571)-272-4121. The examiner can normally be reached on M-F: 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ALB

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